UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,741	10/17/2003	Joseph Wayne Norton	101610.55984US	8292

23911   7590   11/21/2007
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
11/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-36* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This case has been assigned to a new examiner.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of

the new ground(s) of rejection.

Specification

3.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of

browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of

browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

5.   Claims 1, 10, 11, 13, 21, 30, 31, and 33 are rejected under 35 U.S.C. 101 because the disclosed

invention is inoperative and therefore lacks utility. No tangible result is created by any functions in claims

1, 10, 11, 13, 21, 30, 31, and 33. For example, claim 1 is a method involving calculating a plurality of

destination modes, but nothing is ever done with the result of said calculation. The calculation is never

used, stored, or transformed in any manner. See MPEP 2106. The same can be said for a hash table or

the "expiring" of something. "Expiring" can take place without any transformation or storage of data.

6.   Clams 21-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter. Claims 21-33 are embodied on a "machine readable medium". Claims 21-33

should be embodied on a "computer readable medium".

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle et al. (US 6,138,158).

9.   In regard to claim 1, Boyle disclosed:

          calculating a plurality of destination nodes based on a subscriber identifier and a plurality

of addressing functions, each addressing function corresponding to a topology of the network at a

particular moment in time. Column 8, lines 1-13

10.   In regard to claim 2, Boyle disclosed:

          receiving a message retrieval request at an initial retrieval node of the network, the

message retrieval request including the subscriber identifier; and column 14, lines 21-37

          querying the calculated plurality of destination nodes for a message. Column 14, lines

21-37

11.   In regard to claim 3, Boyle disclosed:

          receiving the message from one of the calculated plurality of destination nodes; and

column 14, lines 29-38

          forwarding the message toward an originator of the message retrieval request. Column

14, lines 29-38

12.   In regard to claim 4, Boyle disclosed:

          the originator of the message retrieval request is a wireless handset, the message being

at least one of a short messaging service message and a mail digest.   Column 12, lines 54-67

13.   In regard to claim 5, Boyle disclosed:

          the originator of the message retrieval request is a wireless handset, the message being

a long messaging service message. Column 12, lines 54-67

14.   In regard to claim 6, Boyle disclosed:

          receiving a plurality of messages from the calculated plurality of destination nodes; and

column 14, lines 29-39

forwarding the plurality of messages toward the originator of the message retrieval

request. Column 14, lines 29-38

15.   In regard to claim 7, Boyle disclosed:

receiving the message at an initial storage node, the message including the subscriber

identifier; column 7, lines 13-39

calculating an actual destination node based on the subscriber identifier and a current

addressing function corresponding to a current topology of the network; and column 11, line 38 –

column 12, line 14

sending the message to the actual destination node for storage, the calculated plurality of

destination nodes including the actual destination node and the plurality of addressing functions

including the current addressing function. Column 14, lines 29-38

16.   In regard to claim 8, Boyle disclosed:

storing the message to an internal queue of the initial storage node; and column 12, lines

15-37

removing the message from the internal queue if a confirmation of receipt is received

from the actual destination node. Column 12, lines 15-43

17.   In regard to claim 9, Boyle disclosed:

sending a message waiting indicator message toward a device associated with the

subscriber identifier. Column 12, lines 15-22

18.   In regard to claim 10, Boyle disclosed:

expiring one or more of the plurality of addressing functions based on a message validity

period. Column 16, lines 11-13

19.   In regard to claim 11, Boyle disclosed:

expiring one or more of the plurality of addressing functions for an expired destination

node based on a local expiration signal from the expired destination node. Column 16, lines 11-

13

20.   In regard to claim 12, Boyle disclosed:

applying a time stamp to each of the plurality of addressing functions; and column 12, line

3 – notification sequence number

delivering each of the plurality of addressing functions to the plurality of destination nodes

before activation. Column 13, lines 57-67

21.   In regard to claim 13, Boyle disclosed:

the addressing functions are hash functions. Column 16, lines 55-65

22.   Claim 14 has substantially the same limitations as claims 1-3, 7-9, and 13.

23.   Claim 15 has substantially the same limitations as claim 4.

24.   Claim 16 has substantially the same limitations as claim 5.

25.   Claim 17 has substantially the same limitations as claim 6.

26.   Claim 18 has substantially the same limitations as claim 10.

27.   Claim 19 has substantially the same limitations as claim 11.

28.   Claim 20 has substantially the same limitations as claim 12.

29.   Claims 21-33 are substantially the same as claims 1-13.

30.   In regard to claim 34, Boyle disclosed:

receiving, by a first node that stores messages, a message retrieval request; column 14,

lines 21-37

calculating, by the first node using a subscriber identifier and a first addressing function, a

second node that stores messages; column 14, lines 21-37

calculating, by the first node using the subscriber identifier and a second addressing

function, a third node that stores messages; and column 14, lines 21-37

forwarding, by the first node, the message retrieval request to the second and third

nodes. Column 14, lines 29-38

31.   In regard to claim 35, Boyle disclosed:

the first and second addressing functions correspond to a topology of the network at

different moments in time. Column 14, lines 21-37 – comparing the device ID in the request with

the device ID in the device ID list

32. In regard to claim 36, Boyle disclosed:

> *the first and second addressing functions are hash functions, and the first and second*
>
> *addressing functions each have a different expiration time.* Column 16, lines 55-65; column 12,
>
> line 3

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kotola et al.   US 6,321,257 B1

Miller et al.   US 6,421,707 B1

Collins et al.   US 6,424,828 B1

Rao, Chung-Hwa et al. "iMobile: A Proxy-Based Platform for Mobile Services." Proceedings of

the first workshop on Wireless mobile internet. ACM Press. July 2001. 3-10.

Barber, Declan. "GlobalCom: A Unified Messaging System using Synchronous and

Asynchronous Forms." Principles and Practice of Programming in Java 2002. June 2002.

National University of Ireland. 141-144.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can

normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D Cardone/
Supervisory Patent Examiner,
Art Unit 2145

JRS